Office-Supreme Court, U.S.
FILED
MAR 21 1983
ALEXANDER L. STEVAS,
CLERK

# 82-1562

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1982

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NO.

(No. 78-CP-40-2797,

Annie Mary Timmons,

Petitioner

v

Zoning Board of Adjustment,

Respondents

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No. 82-CP-40- *

City of Columbia,

Plaintiff-Respondent

v

Annie Mary Timmons,

Defendant-Petitioner

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Petition for a Writ of Certiorari to
the Supreme Court of South Carolina

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Annie Mary Timmons
Pro Se
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803-256-1417

*Later Numbered 0025

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City of Columbia,

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v

Annie Mary Timmons,

Defendant-Petitioner

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The Petitioner prays for the issuance of a Writ of Certiorari to the Supreme Court of South Carolina for a review of that Court's Order dated Dec. 17, 1982 denying her right to docket her Appeal from 2 orders of a Court of Common Pleas Judge. This denial of Due Process of Law resulted directly in the total destruc-

tion of 7 excellent hard-earned properties and the theft of a mass of valuable storage after notice of Appeal to the Supreme Court of the United States had already been filed in the South Carolina Supreme Court.

## QUESTIONS PRESENTED

1. Does Amendment XIV permit a State Supreme Court to refuse to docket and hear a properly-brought Appeal from a lower Court's Orders where these Orders without Appeal are bound to result in destruction and deprivation of excellent properties by denial of the owner's rights to Equal Protection of the Laws in the demolition process and to Due Process of Law by Appeal?

2. Can two Court Orders bring about demolition of fine properties where one of the Orders dismisses the immediate cause of the demolition without it ever having been heard in Court and the other denies the owner of her constitutional human and property rights much as a Bill of Attainder for the purpose of wrongful destruction of property and theft of valuable

storage and material?

3. Can a State Supreme Court refuse to hear 2 Appeals from a lower Court's Orders resulting from a Rule to Show Cause hearing where that Action initiated an entirely different case bearing a new caption and a complaint reaching back to the condemnation of 1971 and includes under its broad umbrella a zoning appeal never heard resulting in Court Orders which together with the orders on the newly-captioned case constitute the authority to destroy the Bldgs and possess a vast amount of storage and material?

4. Can a decision by the United States Court of Appeals favoring demolition hold precedence where that decision was on a Motion against demolition renamed Summary Reversal by the Court, and not on an appeal in good standing in the Court, without hearing by the Supreme Court other than declination to hear the matter and a new case with a new caption together with a zoning issue was heard in the State Court of Common Pleas under the broad umbrella of a Rule to Show Cause Action resulting in 2 Court Orders that brought about demolition of the Bldgs and theft of storage, inadvertantly forfeiting the Appeals

Court decision in the Federal related case and absolving that Court from same?

5. Can the Court whether by positive or negative action afford the awful price of lading property owners of America with the precedent established thus far by this case which affirms and protects and opens the way for certain malfeasance, collusion and crime on the part of any Official who takes advantage of Public Trust to attain selfish ends?

6. Does demolition of properties by authority of State Court Orders refused hearing on Appeal necessitate issuance of a mandate to hear these appeals and to remove petitioner's home from reported scheduled demolition in view of the facts that denial of income for 12 years, destruction of valuable properties, and theft of all collateral render the owner helpless financially to replace a mass of stolen goods of incredible value that required years to obtain and physically by a damaged heart scheduled for surgery to install a pace maker but not brought to pass because of the threat of demolition should an Official not approve of her home according to a news report?

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| Articles: I (9) and (10), III (2) and VI . . . | |
| South Carolina Statutes: 36-503, 36-507, 36-502, 6-9-60, Enactment No. 1415 1972 (57) 2607 . . . | |
| Columbia City Ordinances: | |
| 5-1, 5-2, 5-2.1, | |
| 5-2.3, 5-2.4, | |
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| 5-3, 6-6.2(10), | |
| 10-2, 10-3.1, | |
| 103.2 1971, | |
| 103.2 prior to | |
| 1974 and 103.2 . . | |
| Current Code* | |


*All Codes protect nonconforming uses

OTHER RULINGS

1. Zoning Administrator establishes non-conforming uses of these properties (App at p. )

2. Z. A. rules that life of non-conforming properties lasts as long as there is no change in use or structure (App. p. )

3. Inspector establishes that no records of applications are ever kept in City Records unless permits are granted (App. p. ).

4. Highly qualified witness describes Bldgs since construction (App. p. ).

CASES

Merritt v. Swope et al, 46 NYS 2d 944.

Owen v. City of Independence 445 US 622, 63 L Ed 2d 673, 100 S. Ct. 1398

Timmons v. Andrews, 538 F 2d 584 (1976).

Hayes v. Kerner (1972) 404 US 519

Mullen v. Gearing 558 F 225.

Ex Rel Zimmerman v. Mason NC App 282 SE 2d 518.

Hughes v. Guyler, 9th Circuit Court of Appeals (1968) 404 Fed 2d 229

Newitt v. Borg Bertie 4th Circuit Court of Appeals (1969) 418 Fed 654

Rheuard v. Shaw 447 Fed Supplement 50 cases establishing continuance of non-conforming uses (App. p. ).

## OPINIONS BELOW

The refusal of the South Carolina Supreme Court to allow access to the Court in the matter of the Petitioner"s Appeal from 2 Orders of a Court of Common Pleas Judge is printed in the Appendix at p. .

Denial of Petition for Rehearing of the decision is printed in the Appendix at page .

## JURISDICTION

The refusal of the South Carolina Supreme Court to allow access of her appeal to the Court was entered , 1982. A timely Petition for Rehearing was denied on Dec. 17, 1982. Notice of Appeal was filed Aug. 30, 1982. The Jurisdiction of this Court is invoked under 28 USC 1257 (3).

## STATUTES INVOLVED

Since the provisions and Statutes are quite lengthy, only Amendment XIV is printed here and all others are pinted in the Appendix on 16 pages beginning at page .

Amendment XIV. "Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its Jurisdiction the equal protection of the laws."

STATEMENT

Note: 1. Petitioner asks for the kind consideration by the Court of the fact that she is not able to write what should be written and would appreciate the privilege of adding to it should her eyes and heart permit. She has been ordered to surgery for a pace-maker to help her broken heart to keep on working and to make the way safe for an operation on her eyes. She must risk the worst however because of the recent unconstitutional and fiendish destruction and theft of her incredibly valuable storage, the achievements of a lifetime of work and investment, and the danger of demolition of her home should she leave in an effort to better her condition. She asks for permission to fill in references a little later. The *

2. Please take notice that Petitioner is attaching at the end of 10 copies of her Petition pictures in color of the demolished Bldgs made a short time before the



* Appendix substantiates every word

destruction in order that you may see what was so wrongfully taken away from owner and all.

A Court case captioned The City of Columbia, Plaintiff vs Annie Mary Timmons, Defendant was brought in the Court of Common Pleas by leaving some papers marked Summons, Rule to Show Cause and Complaint at Defendant's back door the evening of Jan. 6, 1982 while she was ill in bed with food poisoning of some kind. Some of the papers had been left at the same door under the same circumstances shortly before that evening.

The cause of the action was a false statement that Defendant entered a Bldg sought to be demolished and wouldn't come out. The matter was ordered to be heard Jan. 8, 1982 at 11:30 A.M.

The hearing included a number of Appeals of Petitioner occasioned by the Rehab Official's failure to serve complaints and notices either in person by registered mail or by publication as required by law to hold hearings for the constitutional resolution of the matter and to legally establish "unfitness" of the Bldgs. About three and one-half yrs after condemnation took place a

complaint was served. The owner put a complaint in District Court attacking the unconstitutionality of the taking in 1971 and of the statutory authority for same.

The hearing of Jan. 2, 1981 included not only Federal related cases under the broad umbrella of A Rule to Show Cause Action but also petitioner's State Zoning Appeal the merits of which had never been heard. The condemnors prevented the hearing of the Federal case for 6 yrs by repeated motions to dismiss, repeated Appeals to the U. S. Court of Appeals and repeated reversals of the dismissals. After 6 miserable years the owner got a hearing of a kind on July 28, 1980. She couldn't lose by fact and law but she did lose by trickery, misrepresentation and foul play. The Zoning Appeal was set for hearing repeatedly over a period of several years but was never heard at all on the merits.

The Judge made an Order denying the owner of her constitutional human and property rights and restraining her from objecting to destruction of her fine properties and theft of all valuable storage and all that she had and dismissed her zoning appeal from a decision

authorizing the repair of 72 living units into 14 which the Zoning Administrator had already ruled would be impossible and would require demolition of the large Bldgs and building of smaller ones. The Zoning Board hearing had been characterized by an arrangement wherein 3 or 4 people would speak fast and not give the owner a chance to contradict any statement made. Almost simultaneously with the last spoken word, hands voted and the gavel struck, making the contradiction of stated evidence impossible forever.

Contradictory evidence was forever prohibited by the trick of changing the course of events each time a hearing on the merits was scheduled. During the two and three-fourths years jurisdiction of that Court was established by repeated notices of hearings on the merits of the case. Officials being sued as illegal condemnors suddenly tried the trick of Special Appearance by which they denied jurisdiction and escaped.

## REASONS FOR GRANTING WRIT

Note: The Petitioner is physically unable to work long enough to write all her necessary facts, reasons for Writs, or Argument but can still prove her case orally in a fair hearing if permitted to do so. She must stop now before she can close even what she has introduced here. Weariness affects her sight. Please forgive any shortcoming.

1. Certiorari should be granted to decide whether a State Supreme Court can bring about destruction and theft of private properties, by barring from that Court the owner's Appeal from unconstitutional rulings ordering demolition.

2. Certiorari should be granted to allow the highest Court to decide whether private properties can be taken by procedure that makes the Supreme Law of the Land a manipulator to accommodate direct violations of itself and violations of invalid State Enactments in conflict with itself.

3. Certiorari should be granted to remove from the property owners of America the threat of ruin established b y precedence in this case favoring theft and destruction of properties solely through denial of

constitutional rights and to secure the strength and safety of this country by Judicial protection of property rights.

## ARGUMENT

The very facts of this case are on face value 'convincing proof' rendering long argument unnecessary.

The Supreme Court of South Carolina should not have barred petitioner's appeals from Court because the 2 orders being appealed resulting from A Rule to Show Cause Action (App. p ) covering a Federal related case and a zoning appeal, made demolition and theft of her valuable properties inevitable.

One of the orders reversed the zoning case for lack of Jurisdiction after Jurisdiction had been established for several years (App. p. ) but the case had never been heard on the merits. Had it been heard the Zoning Board decision calling for repair of 72 units into 14 would have been reversed. The Zoning Administrator had already said that it could not be done without demolishing the large Bldgs and building smaller

ones. Then the motive for ordering the Petitioner to go to the Zoning Dept for repair permits and "fixing" the Applications was a trick to make it appear that the applications were to change the structures to make more apts and that would lose zoning nonconformity. When 10 years had not brought demolition and complete possession, it was time to create a new situation out of zoning to substantiate the old crime. Then the new crimes piled up.

The unusual part of that 2nd order denied hearing was that it denied the Petitioner of her constitutional rights by open print in Judicial language signed by a Judge (App. p. ) instead of slyly in the dark and in whispers since the illegal posting in 1971 without complaint, notice, hearing or evaluation of "unfitness". Denial of human and constitutional rights of the owner was the weapon used against the owner constantly and consistently for 10 years, the only variation being the manner of doing it and the nature of the resulting crimes.

The crimes committed against her resulting from

the 2nd Order denied hearing were of the nature of the following: breaking down chain link fences and entering private premises, the grabbing by 2 male policemen of an elderly owner and searching her without a warrant right at her own back door when she opened it frightened with a small pistol in her house coat pocket* when she saw from her window some characters breaking in, damages to the grounds, savage destruction of hard-earned Bldgs and goods, etc., etc. The unconstitutional pushing of her case out of the back door resulted in the unconstitutional crimes just described plus the fact that the newspaper stated that Petitioner's home would also be demolished. These last horrors added to the illegal initial posting without complaint or hearing the "fixing" of applications for repair permits, the destortion of zoning 5-2.5 and Ord. 103.2 alleged to have been followed but not followed, unconstitutional per se and not even adopted until three and

*She was advised by authorities to keep the protection near her upon knowledge of suspicious actions because of her age, illness, and aloneness.

one-half years after the crime of illegal posting and the violation of all the rights and laws listed (Appendix p. ) have all made great progress toward discrediting the Supremacy of the Constitution of the United States.

Upholding the Supremacy of the Constitution is of the highest importance. One of the Supreme Court Justices, The Honorable William O. Douglas, made a number of statements that express that point succinctly in relation to home, health, and life in general:

> "A man's home is his castle and his assurance of privacy against the world" (A Living Bill of Rights, Wm. O. Douglas 1968 p. 56)
>
> "Our spiritual health reacts to the vigor with which we react to injustice" (Supra p. 56)

Case law states an extreme case of attention to property rights. "Government planes flying low over land may ruin it for some farming uses. In that event the Government takes some of the value and must pay compensation. (U. S. v. Causby, 328 US, 256). This case is a perfect example of the awful result of contempt for the Constitution. Consider the first action

and the last. The one fell swoop of posting illegally all the properties of this owner prohibited occupancy of 8 Bldgs, destroyed a solid rental business, denied tenants of homes for 12 yrs and forever, took from many their means of livelihood, impaired the obligation of contracts, robbed the owner of every cent of income for payments on bills, legal services against fraud and means of livelihood, took control of all these private properties under guise of law and immunity, evicted the owner and everybody else, made it necessary to have an overseer and manager because the owner's blood pressure became dangerously high by reason of the terrible injustice, badgered and persecuted the manager to get him away from the properties, forced deterioration of the Bldgs, refused to issue anyone a permit to repair or to do whatever was necessary to lift the condemnation signs, paralyzed the owner by leaving one door open to demolish sound beautiful bldgs which she could never do with a good conscience, and made a property owner with many homes built at great cost of life and fortune a citizen without a home, busi-

ness, income, means of livelihood, health, hope or spirit.

Then came years of unconstitutional actions and nothing else only to end with the crowning unconstitutionality and insult, the outrageous savage destruction of fine Bldgs, the taking of a fortune in brick, steel, and timbers, and the theft of another fortune in storage with many other lawless acts and newspaper stories of scheduled demolition of the owner's home.

None of these tragedies would have occurred had the Supreme Law of the Land been upheld and protected. The Highest Law in the Land does not permit the unconstitutional and inhuman taking of a life and liberty along with property and depriving an owner of his or her Constitutional rights, personal possessions, home, all things that make life worthwhile or throwing him or her out to die in helpless misery, want suffering, and shattered spirit.

Certiorari should be granted to remove from the property owners of America the threat of ruin established by precedent in this case affirming theft and

destruction of properties solely through denial of constitutional rights and to secure the strength and safety of this country by Constitutional upholding and protection of property rights.

## CONCLUSION

The Petitioner prays that this Honorable Court grant her Petition for Writ of Certiorari stated on these pages and expressed in those 13 words of Justice William O. Douglas "The liberties of none are safe unless the liberties of all are safe."

Respectfully submitted

Annie Mary Timmons
3104 Monroe Street
Columbia, S. C. 29205
Tel.: 803-256-1417

## CERTIFICATE OF MAILING

I, the Petitioner in this case, do hereby certify that I have this 17th day of March, 1983 filed 40 copies of Petition for Writ of Certiorari by mailing same Express Mail in the Office of the Clerk of the Supreme Court of the United States and have mailed copy of same to Robert G. Cooper, Esquire, Office of City Attorney, P. O. Box 147, Columbia, S. C. 29217.

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, S. C. 29205

SWORN TO before me this 17th
day of March 1983.

Sidelle D. Ott, Notary Public of South Carolina
My commission expires March 9, 1991.

THE SUPREME COURT OF SOUTH CAROLINA

Frances H. Smith
Clerk

P. O. Box 11330
Columbia, S. C. 29211

December 8, 1982

Ms. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: Annie Mary Timmons v. City of Columbia, et al.

Dear Ms. Timmons:

The following Order has been endorsed on your Petition for Reinstatement in the above entitled matter:

"Petition denied.

s/ J. WOODROW LEWIS, CHIEF JUSTICE
FOR THE COURT

December 7, 1982."

This is to advise that the above captioned appeal is hereby dismissed, and our records have been marked accordingly. A remittitur has been forwarded to the Clerk of Court for Richland County.

Very truly yours,

s/ Frances H. Smith

CLERK

FHS/chh

cc: Robert G. Cooper, Esquire
Danny C. Crowe, Esquire

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Annie Mary Timmons,

Appellant,

v.

City of Columbia,

Respondent.

No. 82-CP-40-0025

---

Annie Mary Timmons,

Appellant,

v.

City of Columbia,

Respondent.

No. 78-CP-40-2797

## ORDER

Petition for reinstatement having been denied in the above case on December 7, 1982.

IT IS ORDERED that the appeal in the above matter be dismissed.

J. WOODROW LEWIS, CHIEF JUSTICE

By /s/ Frances H. Smith
CLERK

Columbia, South Carolina

December 8, 1982

December 20, 1982

Ms. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: Timmons v. Board of Adjustment, et al.

Dear Ms. Timmons:

The following Order has been endorsed on your Petition for Reconsideration of the Court's Decision of December 7, 1982 in the above action:

"Petition denied.

/s/ J. Woodrow Lewis C. J.
For the Court

Dec. 17, 1982"

Very truly yours,

/s/ Frances H. Smith

CLERK

/BS

CC: Robert G. Cooper, Esquire
Office of City Attorney
P. O. Box 147
Columbia, South Carolina 29217

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ON APPEAL FROM THE ORDER OF THE SUPREME COURT OF SOUTH CAROLINA DENYING DOCKETING OF AN APPEAL FROM RICHLAND COUNTY ON ZONING MADE TO EMBRACE A RULE TO SHOW CAUSE

No. 78-CP-40-2797

Annie Mary Timmons,

Appellant

v

Zoning Board of Adjustment,

Appellee

No. 82-CP-40-

City of Columbia,

Plaintiff-Appellee

v

Annie Mary Timmons,

Defendant-Appellant

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Annie Mary Timmons, the Appellant in the above-mentioned matters appeals to the Supreme Court of the United States from the Order of the Supreme Court of South Carolina dated Dec. 17, 1982 denying her right to docket her Appeal from the Richland County Court of Common Pleas suddenly mushroomed into a Rule to Show Cause demanding demolition of all her valuable properties and all means and hope of livelihood.

Appellant appeals this Order because by negation it denies her of even a scintilla of her right to Due Process

of Law and Equal Protection of the Laws with 9 other constitutionally-secured rights, and it constitutes a decision in favor of the invalidity of a state statute alleged to be the authority for the condemnation many years after the fact and sets a vicious precedent by preclusion of appeal.

This Appeal is taken under Section 1257 (2) of USC, Title 28 with amendment XIV and Article III, Sec 2 of the Constitution of the United States.

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, S. C. 29205
Telephone: 803-256-1417

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

---

APPEAL FROM RICHLAND COUNTY COURT OF COMMON PLEAS
Honorable James E. Moore, Judge

---

No. 78-CP-40-2797

Annie Mary Timmons,

Petitioner

v

Board of Adjustment,

Respondent

No. 82-CP-40-0025

Annie Mary Timmons,

Petitioner

v

City of Columbia,

Respondent

---

Petition for Reconsideration of Court's Decision of Dec. 7, 1982

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The Appellant-Petitioner pursuant to Rule 8, Section 10 of the Rules of the Supreme Court seeks permission of this Court to present for its consideration her argument in favor of the docketing of her Appeals over Richland County Court decisions either in writing, in person or by whatever means the Court will permit.

Petitioner is making this urgent request for the following reasons:

1. Since injustice has eaten away the life of this Petitioner and justice means life, a fair hearing before this Court might enable her to live out her life. She is

just now physically able enough to appear before the Court since Nov. 22 1982 when hospital emergency examination revealed that she had dangerously high blood pressure reaching 290° over 120° (the lower pressure was 130° on the 3rd taking of it). It is almost impossible to reduce the pressure in the face of constant injustice, persecution, lying propaganda, and the constant threat of complete destruction of all her hard-earned properties in the city and her life.

If at any time since the illegal posting of all her Bldgs with condemnation signs, this Petitioner had been permitted to have a fair hearing with Due Process of Law, all her years of excruciating agony of pain, suffering, and hardship from rank injustice would have probably been prevented. To permit this case to be docketed even now could prevent complete destruction of her fine properties and her life.

2. A fair hearing could very well render demolition of these Bldgs impossible and enable the owner to repair and use her own properties in accordance with the Constitution of the United States, that of the State of South Carolina , and the Holy Word.

3. A hearing is necessary in order to establish the facts that these Bldgs were illegally posted with condemnation signs without Complaint, Notice, Hearing, legal evaluation of "fitness", of Due Process in any manner, and were thereafter damaged year after year under an official's control while the owner was officially and consistently prohibited from repairing the damages deliberately done to them.

4. Hearing should be granted to afford that opportunity to remove Court affirmation of crimes that have been committed in this matter and perfect Court protection of criminal acts under guise of law and immunity, both of which may stand if the dismissal of this case is not overturned. Property owners everywhere will suffer by such a precedent.

5. Hearing should be docketed in order to remove Court approval from the confiscation of properties on the basis of selfish desire, collusion, fraud, whim and prejudice without an iota of statutory authority.

Complaints were published in the newspapers 4 years after condemnation. The City adopted Ord. 103. 2 Apr 24, 1974, and tried to make that ordinance the authority for the 1971 condemnation 8 years after condemnation. Respondents pretended that they condemned on account of zoning and then distorted a city Ord (5-2. 5) to make it say what they wanted it to say. By 1982 they were absolutely certain that their statutory authority came from Southern Standard Housing Code, which code was not permitted to be used in the state until the year after condemnation. It is so important that sound law be employed in vital property matters, so carefully secured by Amendments XIV, V, and IV to the Constitution of the United States.

6. Appellant has done everything humanly possible to get her case filed and docketed. It is necessary at this point to lay aside the best taste and practice and give a detailed review of events the past few days in order to show the Court that Appellant has left nothing undone in her efforts to fulfill all requirements.

Nov. 3, 1982 Appellant realizing that her eyes were worse and that she would have to rest them completely a few days in order to recover what sight she had, called the Clerk's office to plead for a few more days than allowed in which to file her transcript of Record due Nov. 11 and to ask if a motion to the Court to that effect would be in order. The answer was "No, write a letter to the Clerk." She did so but could get no answer. Day after day from Nov. 3--10 urgent calls were made to the Clerk's Office and those connected with the office as well as the switchboard operator all promised to have Miss Smith contact the Appellant or leave a message for her.

Finally an assistant answering the phone said that the Clerk does not notify anyone unless the extra days are granted. The Appellant asked if the Court would be open Nov. 11 a holiday and she replied that it would not and to try to get the copies into the Court Monday. The Appellant then took her original papers, put together at great cost to her eyes and blood pressure, to the Office to show her good faith. She saw the Clerk a moment at

that time and was told that if she did not follow the Judge's Orders exactly the Clerk would dismiss her case.

From Nov. 10--19 Appellant tried constantly by phone and visit to get Atty Cooper to sign an agreement of counsel that the transcript was in accord with the Judge's Order. He had sent her an agreement in August with his signature (or one made to resemble his) stating that the record in the case was "Agreed Upon." The Secretary in the legal Dept. at City Hall said repeatedly concerning Mr. Cooper that he wasn't there, she didn't know how to reach him, what time he would return, whether she'd be in the office when he did return, nor would she write a short message for him. On one occasion a friend of Petitioner left with the Secretary a copy of agreement of counsel picked up at the Supreme Court but nothing came of it. Another time Appellant left another copy of the required agreement but he didn't sign or acknowledge same.

The Appellant went downstairs and filed Mr. Cooper's copies of transcript and the agreement of counsel form with the Clerk. Upon returning to the Supreme Court she was told that she would be as well off not to have left anything with the City Clerk of Court. She returned to the City Clerk's office and found that he had already delivered the material to Mr. Cooper's office to the same secretary who said she couldn't take them for Mr. Cooper. Everyone in the Supreme Court Cler's office kept insisting that Appellant make Mr. Cooper sign the agreement of counsel specified. The Appellant stated there was nothing else she could do unless they wanted her to borrow a gun and go after him.

Then it was suggested that she sign another line to go with her agreement stating that all irrelevant matter had been deleted. She then got someone to take her across town, interfered with someone's urgent schedule to type the line to be added, got 15 copies, signed one, and submitted them to be included with her transcript. Then one of the deputies said that she, not the Clerk of Court, had thought of something else. She said again that I must make Mr. Cooper sign but she still didn't tell me how to do that.

The Appellant suggested that she herself write an affidavit to satisfy the requirements. Appellant was forced to use Counsel's old agreement as to the record being in accordance with agreement and not the Judge's Order.

As instructed Appellant submitted on Monday 15 copies of Transcript of Record containing Mr. Cooper's Agreement of Counsel that he sent to her in August followed up by her own signed agreement. The Clerks on the desk kept saying over and over that the signature was not Mr. Cooper's. It never occurred to the Appellant that his scrawny little signature could be copied by anyone else and she kept replying that that was the signed agreement he set her.

The Appellant took 2 copies of the Transcript (the Copy Shop she used had somehow mixed up the pages in the 3rd copy she had for Mr. Cooper) along with another copy of the required agreement of counsel furnished by the Clerk to Mr. Cooper's office at City Hall. His secretary went through the usual routine of not being able to account for Mr. Cooper in any particular and refused pointblank to take the 2 copies of the transcript or the supreme Court form required for agreement of counsel. She told Appellant to file the copies and the form with the City Clerk, whatever they wanted satisfied. On Nov. 18, 1982 she wrote an affidavit in long hand, made 25 copies and submitted 15 to the Court with her transcripts, etc. The affidavit states that Mr. Cooper, after not being available to say or sign anything for days did say when caught by telephone one time that he did not approve of the sentence placed over the Index and that he considered the sentence in question a violation of the Judge's Order. He should have thought of the impropriety of a joint Appendix showing one side and of course there is no violation there.

On Nov. 22, 1982 Appellant went by the Supreme Court to make sure she had done everything required including payment of the docketing fee. The eye strain without the relief sought by her petition for a little extra time and the non-granting of her motion of Oct 8

greatly increased her trouble. She has fought so hard to live through the horror of deprivation of hard-earned properties, means of livelihood from same, and denial of constitutional and human rights in order that she might make every effort without default while there is a thread of hope for justice. She was in a serious condition that day Nov. 22, 1982, and a friend insisted upon taking her to a hospital emergency room. Her blook pressure was found to be 290/120, but she cannot and will not stop until some justice or death claims her. She is hoping so hard for the justice part of the alternative to be in control.

7. The appellant's right to Due Process of Law and Equal Protection of the laws secured by the 14th Amendment to the Constitution of the United States prevents her cause from being dismissed from the Court without a hearing under the circumstances of this case.

If there is only one side, then there is no case. If all parts of The Rule to Show Cause Action embracing the zoning matter and 3 other cases are out of existence, then there is no case. There are definitely 2 sides to the case even though one side has never been given proper consideration or justice. Every part of the Rule to Show Cause Action is alive, and one of the litigants cannot be grounded.

While Due Process of Law is the Law of the Land, one litigant cannot smother the other out of existence because of prejudice against a Pro Se or for any other reason nor can one litigant chart the course for the Supreme Court of a State as has happened in this case--one litigant's case has been placed before the Court and only that litigant has spoken resulting in throwing the other litigant out of the ball park and charting the course for the Supreme Court of the State. Only Respondent's Counsel has spoken and Appellant is thrown out of Court without any hearing.

Several of the laws and authorities supporting the issues in point 2 are quoted verbatim as follows:

Due Process

"Denial of Due Process is conduct that shocks conscience and offends sense

of Justice"
(Buder v. Bell C.A. Mich. (1962) 306 F 2d 71 Constitution Note 120 p. 220)

Due Process

"Touchstones of Procedual Due Process are fairness and reasonableness" (Constitution--Note 855 p. 649) Clutchette v. Procunier D.C. Cal (1971) 328 F Supp 767).

One's Day in Court

"The United States Supreme Court has referred to the right to be heard as one of the most fundamental requisites of due process. Again it has stated: 'A Fundamental requirement of due process is the opportunity to be heard'"
(Modern Constitutional Law Sec 7 p. 14 Armstron V. Manzo (1965) 380 U. S. 545, 14 L Ed 2262, 85 S. Ct. 1187)

8. Law favors Pro Ses.

"When cases are brought without the benefit of any attorney complaints are held to 'less stringent standards than formal pleadings by lawyers and a motion to Dismiss is not to be granted unless it appears beyond doubt that the plaintiff can prove no set of facts which would entitle him to relief'"
(Haines v. Kerner. 1972, 404 U. S. 519).

As a Pro Se Appellant has presented her case properly in accord with the laws and regulations of the Supreme Court and still has been precluded from seeking justice in this Court without having been given the usual consideration accorded an attorney. This is true despite the fact that the Court is required by law to hold "less stringent" standards for the Pro Se.

9. The issues of denial of property rights and the unlawful taking of property are of such tremendous importance to the Appellant and to all other citizens that it must be reinstated. Law should not tolerate even a small injustice where principles are involved. One

appeal was made for 3¢ and cost and another for $1.00 (Hughes v. Gengler, 9th Circuit Court of Appeals (1968), 404 Fed 2d 229 and Hewitt v. BorgBertie, 4th Circuit Court of Appeals (1969), 418 Fed 2d 654).

10. The Appellant as well as all other citizens is entitled to meaningful access to the Court including right to meaningful appeal. Even prisoners have been known to have gained access to the Court of Justice (Rheuard vs Shaw, 447 Fed Supplement 897, (1979).

The fact that a weak helpless little old lady and a pro se by necessity guilty of no crime except working too much and too long and acquiring choice property which others are greedy to possess should cause her to be welcomed with open arms by a Court of Justice instead of being forced out of the back door.

Counsel for Respondent is the only party who has been hear. His alleged side of the case was printed as the record in the case. Appellant's case lies unnoticed and undocketed without being heard or considered by the Court or any Justice of the Court of the Clerk who stated she would not look into it and that Appellant would not be allowed to remedy anything if wrong, leaving only the scars of mutilated justice until reinstated by this Honorable Court. Petitioner prays that her Petition be granted.

Respectfully submitted,
/s/ Annie Mary Timmons
Annie Mary Timmons

Dec. 15, 1982.

3104 Monroe Street
Columbia, S. C. 29205
Nov. 3, 1982

Honorable Frances Smith, Clerk
Supreme Court of South Carolina
P. O. Box 11330
Columbia, S. C. 29211

Re: Annie Mary Timmons v. Zoning Board
No. 78-CP-40-2797
City of Columbia v. Annie M. Timmons
No. 82-CP-40-0025

Dear Miss Smith:

Please allow me 20-30 days in which to submit a Transcript of Record in the above-named cases because of the following reasons:

(1) The condition of my eyes at this time with cataracts and other eye trouble make it necessary to spend more time than is permitted for this work.

(2) In addition to my own condition there has been of late a strange failure of electricity at my most crucial times of need without any recognizable reason and then a return to full power and the usual operation. I need time to correct this situation.

(3) Since Judge Moore has stricken my entire case and has substituted that of Respondent, some of which I have not even seen, I cannot print the record without more time to obtain the material in accord with the Judge's order.

(4) In view of such a settlement the time and expense will be doubled in order to submit any record at all to the Court.

Please allow me time to try to meet the Court requirements despite these unexpected and unwarranted difficulties beyond my control.

Thank you.

/s/ Annie Mary Timmons

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

---

No. 78-CP-40-2797
82-CP-40-0025

Annie Mary Timmons,

Plaintiff-Appellant

v

Zoning Board of Adjustment,

Defendant-Respondent

No. 82-CP-40-0025

The City of Columbia,

Plaintiff-Respondent

v

Annie Mary Timmons,

Defendant-Appellant

The Affiant, Annie Mary Timmons, being duly sworn, states that she is the Appellant in the above cases and that in preparation for docketing the case in accordance with Rules 1 and 4 of the Supreme Court of South Carolina, she asked Robert G. Cooper, Attorney for Respondents, to sign an agreement of Counsel in the exact form required by the Supreme Court.

That Mr. Cooper, after Appellant spent days of telephoning and attempting to see him, refused to sign such an agreement, saying only that the explanatory sentence above the Index was unacceptable to him.

That as a result of his refusal to sign the agreement, the Appellant presents this affidavit in order to docket her case in harmony with alternative requirements allowed by the Supreme Court.

Sworn to before me this 18th day of November 1982
Sidelle D. Ott, Notary Public of South Carolina
My commission expires March 9, 1991.

/s/ Annie Mary Timmons
Appellant Pro Se

| | |
|---|---|
| STATE OF SOUTH CAROLINA<br>COUNTY OF RICHLAND<br>THE CITY OF COLUMBIA,<br>Plaintiff,<br>-vs-<br>ANNIE M. TIMMONS,<br>Defendant. | IN THE COURT OF COMMON PLEAS<br>Civil Action No. 82-CP-40-<br>RULE TO SHOW CAUSE AND ORDER |

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY ORDERED to appear before the Honorable Walter J. Bristow in Courtroom 2-B of the Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina, at 11:30 o'clock A. M., on the 8th day of January, 1982, to show cause, if any you can, why the relief sought in the attached verified Complaint and Petition for a Temporary Restraining Order and Rule to Show Cause should not be granted.

AND, PENDING SAID HEARING, YOU ARE ORDERED and restrained from stopping, delaying, or in any way interfering with the demolition of the buildings set out in the attached Complaint.

AND IT IS SO ORDERED this 4th day of January, 1982.

/s/A. Lee Chandler
Judge, Court of Common Pleas
Fifth Judicial Circuit

Columbia, South Carolina

## FURTHER AGREMENT OF COUNSEL AND CERTIFICATE

Counsel agree further that all irrelevant matter has been deleted and the requirements of Rule 4 have been satisfied.

/s/ Annie Mary Timmons

Annie Mary Timmons
Pro Se

November 15, 1982.

RECEIVED
Nov. 18, 1982
S. C. SUPREME COURT

Note:
(Clerk's Office had me write this statement extra, get 15 copies and leave them in Clerk's Office.)

AGREEMENT OF COUNSEL
and
CERTIFICATE

Counsel agrees that the foregoing record, when printed, is a true and correct copy of the record as settled by the judge in said cause. Furthermore, the undersigned counsel hereby certify that all irrelevant matter has been deleted, and that the requirements of Rule 4 of the Rules of Practice of the Supreme Court have been satisfied.

_____
Attorney for Appellant

_____
Attorney for Respondent

_____
Date

(Note: Clerk's Office sent this blank for Mr. Cooper to sign but he stayed out of the way. Against the Secretary's will I left this blank for him with her with the request to please sign.)

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

---

APPEAL FROM RICHLAND COUNTY COURT OF COMMON PLEAS
Honorable James E. Moore, Judge

---

No. 78-CP-40-2797

Annie Mary Timmons,

Appellant

v

Board of Adjustment,

Respondent

No. 82-CP-40-0025

Annie Mary Timmons,

Appellant

v

City of Columbia,

Respondent

---

Notice and Motion to Reinstate Appeal

---

The above-named Appellant, Annie Mary Timmons, pursuant to Rule 1 Sec. 5 of the Rules of the Supreme Court, does hereby give Notice and move that this Honorable Court reinstate her Appeal of the above-mentioned matters erroneously dismissed by the Clerk's Order dated Nov. 22, 1982.

UPON THE GROUNDS that she has properly submitted her case to the Court meeting all requirements and that she will gladly do anything else the Court might request of her in order to have her case docketed and fairly heard in the sunlight of Constitutional due process.

IN SUPPORT THEREOF Appellant respectfully shows

unto the Court:

1. Appellant has done everything humanly possible to get her case filed and docketed. It is necessary at this point to lay aside the best taste and practice and give a detailed review of events the past few days in order to show the Court that Appellant has left nothing undone in her efforts to fulfill all requirements.

Nov. 3, 1982 Appellant realizing that her eyes were worse and that she would have to rest them completely a few days in order to recover what sight she had, called the Clerk's office to plead for a few more days than allowed in which to file her transcript of Record due Nov. 11 and to ask if a motion to the Court to that effect would be in order. The answer was "No, write a letter to the Clerk." She did so but could get no answer. Day after day from Nov. 3--10 urgent calls were made to the Clerk's Office and those connected with the office as well as the switchboard operator all promised to have Miss Smith contact the Appellant or leave a message for her.

Finally an assistant answering the phone said that the Clerk does not notify anyone unless the extra days are granted. The Appellant asked if the Court would be open Nov. 11 a holiday and she replied that it would not and to try to get the copies into the Court Monday. The Appellant then took her original papers, put together at great cost to her eyes and blood pressure, to the Office to show her good faith. She saw the Clerk a moment at that time and was told that if she did not follow the Judge's Orders exactly the Clerk would dismiss her case.

From Nov. 10--19 Appellant tried constantly by phone and visit to get Atty Cooper to sign an agreement of counsel that the transcript was in accord with the Judge's order. He had sent her an agreement in August with his signature (or one made to resemble his) stating that the record in the case was "Agreed Upon." The Secretary in the legal Dept. at City Hall said repeatedly concerning Mr. Cooper that he wasn't there, she didn't know how to reach him, what time he would return, whether she'd be in the office when he did return, nor

would she write a short message for him. On one occasion a friend of Petitioner left with the Secretary a copy of agreement of counsel picked up at the Supreme Court but nothing came of it. Another time Appellant left another copy of the required agreement but he didn't sign or acknowledge same.

The Appellant went downstairs and filed Mr. Cooper's copies of transcript and the agreement of counsel form with the Clerk. Upon returning to the Supreme Court she was told that she would be as well off not to have left anything with the City Clerk of Court. She returned to the City Clerk's office and found that he had already delivered the material to Mr. Cooper's office to the same secretary who said she couldn't take them for Mr. Cooper. Everyone in the Supreme Court Clerk's office kept insisting that Appellant make Mr. Cooper sign the agreement of counsel specified. The Appellant stated there was nothing else she could do unless they wanted her to borrow a gun and go after him.

Then it was suggested that she sign another line to go with her agreement stating that all irrelevant matter had been deleted. She then got someone to take her across town, interfered with someone's urgent schedule to type the line to be added, got 15 copies, signed one, and submitted them to be included with her transcript. Then one of the deputies said that she, not the Clerk of Court, had thought of something else. She said again that I must make Mr. Cooper sign but she still didn't tell me how to do that.

The Appellant suggested that she herself write an affidavit to satisfy the requirements. Appellant was forced to use Counsel's old agreement as to the record being in accordance with agreement and not the Judge's order.

As instructed Appellant submitted on Monday 15 copies of Transcript of Record containing Mr. Cooper's Agreement of Counsel that he sent to her in August followed up by her own signed agreement. The clerks on the desk kept saying over and over that the signature was not Mr. Cooper's. It never occurred to the Appellant that his scrawny little signature could be copies by

anyone else and she kept replying that that was the signed agreement he sent her.

The Appellant took 2 copies of the Transcript (the Copy Shop she used had somehow mixed up the pages in the 3rd copy she had for Mr. Cooper) along with another copy of the required agreement of counsel furnished by the Clerk to Mr. Cooper's office at City Hall. His secretary went through the usual routine of not being able to account for Mr. Cooper in any particular and refused pointblank to take the 2 copies of the transcript or the Supreme Court form required for agreement of counsel. She told Appellant to file the copies and the form with the City Clerk, whatever they wanted satisfied. On Nov. 18, 1982 she wrote an affidavit in long hand, made 25 copies and submitted 15 to the Court with her transcripts, etc. The affidavit states that Mr. Cooper, after not being available to say or sign anything for days did say when caught by telephone one time that he did not approve of the sentence placed over the Index and that he considered the sentence in question a violation of the Judge's Order. He should have thought of the impropriety of a joint Appendix showing one side and of course there is no violation there.

On Nov. 22, 1982 Appellant went by the Supreme Court to make sure she had done everything required including payment of the docketing fee. The eye strain without the relief sought by her petition for a little extra time and the non-granting of her motion of Oct. 8 greatly increased her trouble. She has fought so hard to live through the horror of deprivation of hard-earned properties, means of livelihood from same, and denial of constitutional and human rights in order that she might make every effort without default while there is a thread of hope for justice. She was in a serious condition that day Nov. 22, 1982, and a friend insisted upon taking her to a hospital emergency room. Her blood pressure was found to be 290/120, but she cannot and will not stop until some justice or death claims her. She is hoping so hard for the justice part of the alternative to be in control.

2. The Appellant's right to Due Process of Law and Equal Protection of the Laws secured by the 14th Amendment to the Constitution of the United States prevents her cause from being dismissed from the Court without a hearing under the circumstances of this case.

If there is only one side, then there is no case. If all parts of The Rule to Show Cause Action embracing the zoning matter and 3 other cases are out of existence, then there is no case. There are definitely 2 sides to the case even though one side has never been given proper consideration or justice. Every part of the Rule to Show Cause Action is alive, and one of the litigants cannot be grounded.

While Due Process of Law is the Law of the Land, one litigant cannot smother the other out of existence because of prejudice against a Pro Se or for any other reason nor can one litigant chart the course for the Supreme Court of a State as has happened in this case--one litigant's case has been placed before the Court and only that litigant has spoken resulting in throwing the other litigant out of the ball park and charting the course for the Supreme Court of the State. Only Respondent's Counsel has spoken and Appellant is thrown out of Court without any hearing.

Several of the laws and authorities supporting the issues in point 2 are quoted verbatim as follows:

Due Process

"Denial of Due Process is conduct that shocks conscience and offends sense of Justice"
(Buder v. Bell C. A. Mich. (1962) 306 F 2d 71 Constitution Note 120 p. 220)

Due Process

"Touchstones of Procedual Due Process are fairness and reasonableness" (Constitution--Note 855 p. 649) Clutchette v. Procunier D. C. Cal (1971) 328 F Supp 767).

One's Day in Court

"The United States Supreme Court has referred to the right to be heard as one of the most

fundamental requisites of due process. Again it has stated: 'A Fundamental requirement of due process is the opportunity to be heard'"
(Modern Constitutional Law Sec 7 p. 14 Armstron v. Manzo (1965) 380 U. S. 545, 14 L Ed 2262, 85 S. Ct. 1187)

3. Law favors Pro Ses.

"When cases are brought without the benefit of any attorney complaints are held to 'less stringent standards than formal pleadings by lawyers and a motion to Dismiss is not to be granted unless it appears beyond doubt that the plaintiff can prove no set of facts which would entitle him to relief'"
(Haines v. Kerner. 1972, 404 U. S. 519).

As a Pro Se Appellant has presented her case properly in accord with the laws and regulations of the Supreme Court and still has been precluded from seeking Justice in this Court without having been given the usual consideration accorded an attorney. This is true despite the fact that the Court is required by law to hold "less stringent" standards for the Pro Se.

4. The issues of denial of property rights and the unlawful taking of property are of such tremendous importance to the Appellant and to all other citizens that it must be reinstated. Law should not tolerate even a small injustice where principles are involved. One appeal was made for 3¢ and cost and another for $1.00 (Hughes v. Gengler, 9th Circuit Court of Appeals (1968), 404 Fed 2d 229 and Hewlitt v. BorgBertie, 4th Circuit Court of Appeals (1969), 418 Fed 2d 654).

5. The Appellant as well as other citizens is entitled to meaningful access to the Courts including right to meaningful appeal. Even prisoners have been known to have gained access to the Court of Justice (Rheuark vs Shaw, 447 Fed Supplement 897, (1979).

The fact that a weak helpless little old lady and a pro se by necessity guilty of no crime except working too much and too long and acquiring choice property

which others are greedy to possess should cause her to be welcomed with open arms by a Court of Justice instead of being forced out of the back door.

Counsel for Respondent is the only party who has been heard. His alleged side of the case was printed as the record in the case. Appellant's case lies unnoticed and undocketed without being heard or considered by the Court or any Justice of the Court or the Clerk who stated she would not look into it and that she would not be allowed to remedy anything if wrong, leaving only the scars of mutilated justice until reinstated by his Honorable Court.

Respectfully submitted,

Dec. 1, 1982. Annie Mary Timmons

## EXCEPTIONS

1. The Court erred in issuing an order April 30, 1982 restraining the Defendant from permanently objecting to demolition of her properties when there is still a Mandate by a higher Court prohibiting demolition and the pending decision in favor of demolition has not yet become final as of this 3rd day of August, 1982.

2. The Court erred in signing an order restraining the Defendant because it lost the power to sign a valid order when it dismissed the Defendant-Appellant's Appeal from the Zoning Board's Decision on the erroneous but effective ground of non-jurisdiction of the Court.

3. The Court erred in making a restraining order concerning demolition when the original Rule to Show Cause and Order were obviously and necessarily based on absolute untruth as the Defendant proved indisputably at the Court hearing Jan. 8, 1982.

4. The Court erred in issuing an order to restrain the Defendant permanently from objecting to demolition when the very nature of sudden, destructive demolition

would defeat the permanency ordered by the Court and if permanency could become an issue, that would mean changes in the property status without any issue of demolition.

5. The Court erred by overlooking the obvious truth that 48 findings and conclusions of the District Court empowering the demolition of valuable private properties except for 2 identifying the litigants are on face value false, irrelevant, and inapplicable and totally devoid of judicial concern for the Constitutional rights of United States citizens.

6. The Court erred in taking a stand against a law-abiding property owner who has harmed no one in favor of those who would misuse public trust to satisfy greed when such action only aids in the destruction of life, liberty, and property and glorifies violations of Constitutional rights, State Statutes and municipal laws.

7. The Court erred in making a restraining order on the weak ground that there was "no adequate remedy at law" due to the Defendant's "presence" on her own property when she lives in her own house on her own

land even though robbed of her Constitutional rights to use her property and repair damages done under official control and is unable to make "physical" objection to destruction by crews of demolition gangs.

8. The Court erred in ruling that the Plaintiff has the right to demolish Defendant's Bldgs and haul away the remains and contents of the Bldgs "when the right to demolition has not been finalized and no authentic appraisal ever made of the Bldgs and contents" called by the Judge "worthless".

9. The Court erred in making an order on the basis of evidence on which witnesses "would have testified" but didn't so testify.

10. The Court erred in basing its order on so-called photographs* of groceries** in her Bldgs "indicating that the Bldgs are a hazard to some individuals (also called by the Judge "the poor and homeless") occasionally inhabiting them" when his very order against the

* The Defendant was allowed to see only some unidentified negatives disclosing exactly nothing.

**The Court is saying that the "poor and homeless" kept groceries while it is true that many times the owner's cupboard was far too bare to photograph.

owner protects the law breakers who force their way into private posted properties which the owner is prohibited from using.

11. The Court erred in making a restraining order against Defendant on the grounds that she failed to testify at a "final" hearing Apr. 26, 1982 claimed to be given for the purpose of affording her the chance to testify further when the Judge gave contradictory instructions upon her telephone plea for one or two hours of time to recover from a bad fall suffered just prior to the hour of the hearing, which instructions told her she would not have to be in Court more than 10 minutes, not to be able to stand on her feet, nor to testify, nor to speak.

12. The Court has no right to make an order in view of the Judge's specific statement that "The Court will not relitigate the city's right to demolish or its procedures in 1971"* when the Rule to Show Cause demands investigation of all matters included in the action and on

*The Defendant does not know what the Court means by 1971 date. The procedures involved here date back to 1971 and the evidence submitted to the Court covered the entire period.

which the Defendant testified and submitted documentary evidence.

13. The Court erred many times in basing opinions adverse to Defendant on his own rulings contradictory to the evidence including his finding that "The Defendant did not appear (at the Apr. 26 hearing) nor was any more heard from her", when in truth the Defendant telephoned the Court several hours after her fall and the Judge's own Law Clerk said he was not in the office at the moment, would return shortly and would definitely call her as he had stated that he wanted to talk with her.

14. The Court erred in overlooking the significance of posting condemnation signs in ruling that the Defendant contended that her Bldgs were not hazards back in 1971--1974 when the City "shut them down" when all the evidence was that the Bldgs were posted with condemnation signs in Oct. 1971 making them totally non-productive with one fell swoop and not gradually over a period of 4 years as the Court stated.

15. The Court erred in making an adverse decision

against the Defendant on the ground of Counsel's reference to someone called "The Public Information Director for the Plaintiff who "was present to testify" or "would have testified" that the Bldgs were hazadous and worthless and the contents junk, when in actuality the Public Relations man was not a qualified witness and regardless of that did not even testify, and the weight of the evidence proved that the buildings and contents were NOT WORTHLESS JUNK.

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, S. C. 29205

August 4, 1982.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County Court of Common Pleas
Honorable James E. Moore, Judge

NO.: 78-CP-40-2797

Annie Mary Timmons, Plaintiff--Appellant

against

Zoning Board, Defendant--Respondent

Together with

NO.: 82-CP-40-0025

(No. 0025 was given only by improper and untimely service of Summons and comprises a No. of cases:

| | |
|---|---|
| S. C. Common Pleas | No. 78-2797 |
| U. S. District Court | No. 74-2049 |
| U. S. Court of Appeals | No. 80-1561 |
| U. S. Supreme Court | No. A-864 |
| U. S. Supreme Court | No. 82-123). |

City of Columbia, Plaintiff--Respondent

against

Annie M. Timmons, Defendant--Appellant

NOTICE AND MOTION TO SETTLE RECORD AS PROPOSED OR INVALIDATE ORDERS INVOLVED ALREADY INVALID PER SE AND ON FACE VALUE

The appellant in No. 78-CP-40-2797 and No. 82-CP-40-0025 does hereby give notice of motion and move that the Court settle the record herein involved in favor of the Appellant due to Respondents' untimely service of Amendments to Proposed Case and Exceptions in violation of Rule 1 Sec. 3C, or in the alternative invalidate the Court's orders of Apr. 30, 1982 already invalid per se on face value as proved by this Motion, the attached Proposed Case and Exceptions, Respondents' prejudicial amendments, and Court orders dated Apr. 30, 1982.

Respectfully submitted,
Annie Mary Timmons
Pro Se

Aug. 30, 1982.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

| | |
|---|---|
| Annie Mary Timmons,<br><br>Plaintiff,<br><br>vs.<br><br>Robert C. Andrews, D. Reese Williams, William H. Tuller, Grover C. Kirby, Charles H. Thomas, Joe E. Winter, John T. Campbell and Graydon V. Olive,<br><br>Defendants. | Civil Action No. 79-2049<br><br>FILED<br>Dec 31 1974<br><br>Miller C. Foster, Jr., Clerk |

COMPLAINT

1. That Plaintiff herein is a resident of the State of Florida and each of the Defendants is a resident of the State of South Carolina and the Defendant Robert C. Andrews, D. Reese Williams, William H. Tuller, Grover C. Kirby and Charles H. Thomas, constitute the Board of Zoning Appeals of the City of Columbia; the Defendant Joe E. Winter is the Housing Rehabilitation Officer of the City of Columbia; the Defendant John T. Campbell is the Mayor of the City of Columbia; and the Defendant Graydon V. Olive is the City Manager of the City of Columbia a municipal corporation organized and existing under the laws of the State of South Carolina.

2. A diversity of citizenship exists between the Plaintiff and each of the Defendants and the matter in controversy exceeds the sum of Ten Thousand and no/100 ($10,000.00) Dollars exclusive of interest and costs.

3 This is a proceeding for an injunction and a

declaratory judgment to determine a question of actual controversy between the parties as to whether the adoption of the provisions of the Southern Standard Housing Code confers authority upon the Defendants to condemn and demolish buildings within the City of Columbia, whether any such authority applies to buildings not being used as residences, and whether such a condemnation constitutes a taking without compensation in violation of the State and Federal Constitutions.

4. Plaintiff is the owner of real property located at 1329 Calhoun Street, 2920 Devine Street, 3100 Duncan Street, 3107 Heyward Street, 3104 Monroe Street, and 208 Sims Avenue. Such properties have great value although they have been damaged by vandals or common criminals and are currently used for storage of personal property belonging to the Plaintiff and her sister. Plaintiff has undertaken to secure the buildings against unauthorized entry, but such entries have continued although such properties are in well travelled residential sections of the City of Columbia. Plaintiff was heretofore served with a Complaint and an Order providing for demolition and she has appealed and has exhausted her administrative remedies and the Defendants are about to commence demolition of her properties and destruction of the contents. Plaintiff will suffer irrevocable injury if such action is allowed and will be deprived of her property in violation of the State and Federal Constitutions and the Laws of the United States.

WHEREFORE, Plaintiff prays that this Court issue a rule to show cause to the Defendants why a temporary injunction prohibiting this condemnation should not issue, advance this cause on the docket, declare that said ordinance is unconstitutional and constitutes an unlawful taking of Plaintiff's property or in the alternative is not applicable to Plaintiff's properties, enjoin the Defendants from further proceedings and grant her such other and further relief as may be just and equitable, including her costs.

DRAWDY & BEALE

/s/ BY: J. Wesley Drawdy
Attorneys for Plaintiff

2014 Sumter St.
Columbia, South Carolina
December 30, 1974

| | | |
|---|---|---|
| THE STATE OF SOUTH CAROLINA | ) | |
| | ) | IN THE COURT |
| COUNTY OF RICHLAND | ) | |
| | ) | OF |
| ANNIE MARY TIMMONS, | ) | |
| | ) | COMMON PLEAS |
| APPELLANT | ) | |
| | ) | |
| v. | ) | NO. 78-2797 |
| | ) | |
| ZONING BOARD OF ADJUSTMENT | ) | |
| | ) | |
| APPELLEES | ) | |

REPLY TO ISSUES RAISED BY SPECIAL APPEARANCE:

I Response to Objections to Jurisdiction

II Motion to Deny Motion to Dismiss, to Invalidate The Board's Decision Made without Jurisdiction, and to Order Bldgs Repaired for Continual Non-Conforming Uses

This Response and Motion are being made pursuant to State Statute 5-23-150I of the Code of Laws of South Carolina, which is in accord with 4-27-280 governing Counties of the State, and City Zoning Ordinance 11-4, all of which laws hold that Appeal can be made to the Court from any Decision of the Board of Adjustment contrary to law "in whole or in part" simply by presenting it to a court of record "within 30 days after the filing of the decision."

Response and Motion are also fully upheld by State Statutes 15-9-10, 15-0-70, and 15-13=380, the authority of 82 Amer. Jur. 2d (pages 890-891 in particular) and amendments IV, VIII, XIII, and XIV together with Art. 1 Sec. 10, III Sec. 2, and VI of the Constitution of the United States.

*Appellant hereby corrects the typographical error of jurisdiction in her Appeal to read "5-23-150," the exact authority under which the Appeal was brought.

Before arguing this matter I'd like to direct the Court's attention to the fact that this hearing by Special Appearance is being brought under the authority of State Statute 15-13-380 of the Code of Laws of South Carolina. Note the words of the law:

> "When in any case or proceeding before any Court or Tribunal any party shall appear for the sole purpose of objecting to the jurisdiction of such court or tribunal, and such court shall, upon objections being made, overrule the objection, such party may give notice--that he intends to rely on such jurisdictional objection or reserve his rights thereunder. Upon the overruling of such objection to the jurisdiction and the giving of such notice, such party may thereafter appear generally or answer or plead, or contest upon the merits---,"

The words of this law prohibit the Board's objection to jurisdiction and the right to plead or contest upon the merits. Therefore the Appellant moves at this point on the face value of the stated words of the statutory authority of the State of South Carolina under which this action is being brought that the Court overrule Appellees' objection to jurisdiction and deny their right to contest or plead upon the merits. The first clause in 15-13-380 requiring appearance for the "sole purpose of objecting to jurisdiction" adequately authorizes the Court's overruling of objections and the denial of the Board's Motion to Dismiss as well as the right to plead on the merits.

The double purpose, expressed so clearly by Appellees in those words "The Zoning Board of Adjustment---does make a Special Appearance---for the purpose of moving to dismiss---", kills the action of Appellees who have forfeited their rights to object and to plead.

Having pointed out the Board's violation of their statutory authorization, the Appellant now incorporating as a part of this response 52 pages testimony before the Board Vol II and the 30-page Appeal Vol. III to Court, does protest all stated objections to the legal and necessary jurisdiction of this Honorable Court and moves for

denial of the Board's Motion to Dismiss, for invalidation of the Board's decision made without authority and therefore itself constituting the result of an action taken by an agency w thout jurisdiction, and for an Order to repair Bldgs for continued non-conforming uses on the following grounds:

I. 1. Appellant made her petition for reversal of Zoning Board Decision in strict conformity with the requirements of Statute 5-23-150 of the Code of Laws of South Carolina. That law states:

> "Any person---aggrieved by the decision of the Board of Adjustment---may present to a Court of record a petition setting forth that a decision of the Board of Adjustment is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the Court within 30 days after the filing of the decision of the Board."

There is no possible doubt as to the owner-Appellant being 'aggrieved by the Decision of the Board'. The Court of Common Pleas is surely a 'Court ofrecord'. The decision of the Board is indisputably illegal 'in whole,' being unfair, unreasonable, unjust, unconstitutional, ungodly, arbitrary, indicative of solid abuse of discretion, and in excess of the Board's Authority.

The decision is illegal 'in whole' because it resulted from: unlawful procedure throughout the hearing; illegal distortion of Ord. 5-2. 5 which was the poorly-created basis dreamed up by Zoning to substantiate the fraudulent destruction of very valuable Bldgs.; incredible affirmance of the unconstitutional Ordinance 103. 2 exceeded in violation of property rights only by the methods used in illegally effecting condemnation such as omitting those parts of Ord. 103. 2 that smacked of due process and by committing crimes constantly against this owner and her properties by misusing City Ordinances providing authority for the decision; disregard for State Statutes 31-15-30 and 31-15-70 and authorizing Ord. 103. 2 under guise of which the criminal acts were accomplished; total lack of consideration for any of Appellant's reliable, probative and substantial evidence

in the form of 60 pages of testimony and exhibits presented at the hearing of October 10, 1978;

Also, many facts established by this appeal to the Zoning Board Nov. 23, 1978 and other important documents of facts and law; trickery by the Chairman's yelling out the same question to the Appellant over and over and without succeeding to get the answer he wanted asking rapidly questions consisting of two or more contradictory elements making a forced blanket answer always untrue in one part; the illegal and unjust hearing made long by the Chairman's deliberate efforts to save his false ammunition until the very end and make it appear that the owner was guilty of violation of a 1-sentence ordinance 5-2. 5 that was deliberately whacked into 2 pieces in order to discard the part applicable to the properties in question; an attorney's fast utterance of a volley of untruths and accusations against her and her properties while the Chairman frantically shook his head denying her of the right to say a word after the trickery and lies burst forth even tho she was half out of her seat imploring the Chairman to let her correct the untruths, and then came the astounding rapid-fire vote that was so fast one sneeze couldn't have been completed before it was all over, sealing the Appellant's fate*

*This was after 100 or more attempts to get repair permits had been made by contractors and through attorneys, property manager, and owner who made many long distance calls in her effort to bring about repairs to her properties which did not need repairs until deliberate damage occurred. After the Official posted condemnation signs, illegally took over control of the bldgs, and then continually refused to issue repair permits, the owner was elsewhere in a state of illness and heartbreak, robbed of home, even a bed to sleep in, business, livelihood, income, hope and spirit. There was no direction she could take after the loss of the use and control of her properties built over a long period by blood, sweat, tears and a fortune in money.

and exciting the colluders into engaging in high-pitched conversation with each other as if they had received a great award for doing whatever they had been misled into thinking they were doing.

Nothing could be more illegal "in whole' than a decision resulting from a hearing without any substantial evidence at all on the part of Appellees under guise of an official seeking for evidence supposedly to bring about justice.

If there was any attempt to present any evidence at all by the Board it had to be the secret whispered words spoken behind the palm to the Chairman of the Board or a member thereof now and then by those in collusion who framed the illegal condemnation, unlawfully forced the Appellant into the Zoning Dept. for repair permits against the law, "fixed" the applications for repair permits to make them appear to be property under the jurisdiction of Zoning, and had her sign applications for a hearing before the Board simultaneously with signing an application for permits to repair.

There was no evidence given where it could be heard unless it was the brash words of Atty Jean Toal who clearly divulged her own personal involvement in the matter of the Timmons properties when she said that she and Rehab Official Joe Winter were in and out of the owner's properties during the year 1970 in which year the owner had full charge of her properties but was not informed of these alleged secret visits to her apts in quest of rats and roaches, which in fact were not there, presumably in an effort to create a Health Dept. problem. Had the owner known of this frenzied search for rats and roaches she would certainly have joined the hunt herself.

It is true that after condemnation signs were illegally posted on the bldgs in 1971 somebody did manage to find a dead rat somewhere in Columbia and transferred it to 3107 Heyward St. on the Sims St. side near the sidewalk along with some other selected pieces of garbage, placed there according to the report of a neighbor by a man in a black car after the caretaker cleaned the grounds and left that address to look after another property of Appellant a few blocks away.

During the last sudden explosive events the Chairman frantically shook his head at Appellant in denial of her request to speak even one minute in reply to his misleading statements and trickery and to the amazingly foolish and inconsistent rabble-rousing remarks of Atty. Toal. It was obvious that the sudden excited close of the hearing without allowing Appellant to speak had been carefully planned.

The Board's Decision based on such evidence as the explosive outburst of Atty Toal and the whispered messages behind the palm will result in demolition of all Appellant's properties unless the treacherous plan is stopped by Action of this Court. The Zoning Administrator has already ruled that the 7 multi-family Apt Bldgs with 72 apts involved herein cannot be repaired into 14 living units without demolition and construction in accord with different Bldg plans to fit the small number of units thereby leaving no course open except demolition (and upon that action no hope of the owner's having a chance even to continue the struggle for existence) and establishing a disgraceful and dangerous precedent that will be used to protect and further malfeasance and crime, violation of City, State, and Federal laws, and confiscation of property the like of which has never been seen before. I pray the Court will protect the American Citizen and property owner from being forced to become ready victims of property thieves in office.

The illegal unjust decision resulting from that hearing denied the owner of her right to repair her own valuable and much-needed non-conforming properties for continued use and specifically limited the use of 72 apts in 7 bldgs to 14 living units. Such a decision had to be unreasonable, illegal, unjust, and nonsensical and was appealed within a 30 day period as required by State Statute 5-23-150.

2. The Appeal to this Court was brought in exact accord with the information given in a letter signed by the Zoning Administrator and dated Oct. 25, 1978 transmitting the Board's Decision in these words:

"Any decision of the Board may be appealed by presenting to a Court of record a petition setting forth that the decision of the Board of Adjustment is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented to the Court within 30 days after the filing of the decision (Oct. 25, 1978)."

This was signed by E. Terry Floyd, Zoning Administrator.

3. Appellant's petition was brought in compliance with City Zoning Ordinance 11-4 which states:

"Any person---may present to a Court of record a petition---setting forth that a decision of the Board of Adjustment is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days after the filing of the petition."

4. Appellant's petition was made in full agreement as quoted with Statute 4-27-280 of the Code of Laws of South Carolina, 1976 governing all the counties of the State, which law adds strength and support to the jurisdiction of this Court by the fact that the rulings of same are applicable generally to appeals from decisions of every County Board of Adjustment in the State.

Statute 4-27-280 reads as follows:

"Any person---may appeal from any decision of the Board of Adjustment to the Circuit Court---by filing with the Clerk of such Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Board of Adjustment is rendered."

(The foregoing represents five and one-half pages of the 28 pages submitted to the COURT OF COMMON PLEAS Nov. 30, 1981.)

| | |
|---|---|
| STATE OF SOUTH CAROLINA | IN THE COURT OF |
| COUNTY OF RICHLAND | COMMON PLEAS |
| THE CITY OF COLUMBIA, | Civil Action No. |
| Plaintiff, | 82-CP-40- |
| -vs- | COMPLAINT AND PETITION FOR TEMPORARY RESTRAINING ORDER AND RULE TO SHOW CAUSE |
| ANNIE M. TIMMONS, | |
| Defendant. | |

The Plaintiff City of Columbia, complaining of the Defendant, would respectfully show that:

1. The Plaintiff is a municipal corporation created and existing pursuant to the laws of the State of South Carolina and located in Richland County in said state.

2. The Defendant is a citizen and resident of the County of Richland, State of South Carolina.

3. The Defendant is, and at all times relevant to this action, was, the owner of the real estate and improvements located at 1329 Calhoun Street, 2920 Devine Street, 3100 Duncan Street, 3107 Heyward Street, 3107 Heyward Street (rear), 3104 Monroe Street, and 208 Sims Avenue, all located in the City of Columbia.

4. In October of 1971, the Urban Rehabilitation Division of the City of Columbia received complaints charging that Defendant's properties were unsafe, unsanitary and generally unfit for human habitation.

5. Based upon these complaints, the Housing Rehabilitation Officer inspected the various properties, with the exception of the Calhoun Street property, and found them to be in violation of the Southern Standard Housing Code which had been adopted by the City of Columbia.

6. The Defendant was given notice that she must repair the properties in question within 120 days or have them demolished.

7. Subsequently, on eight separate occasions, the Housing Rehabilitation Officer inspected some or all of the properties of the Defendant. These inspections were conducted upon May 1, 1972 (all properties), July 5, 1972, (all properties), September 29, 1972 (Duncan Street and Heyward Street), October 10, 1972 (Calhoun Street), December 3, 1972 (all properties), February 1974 (all properties), October 4, 1974 (all properties), and December 6, 1974 (all properties).

8. After each of the inspections set out above, the Housing Rehabilitation Officer served the Defendant with a Complaint and Order informing her of substandard conditions and requiring that repairs be made or the structures be removed or demolished.

9. During each of the inspections set out above, the Housing Rehabilitation Officer found numerous violations of the Southern Standard Housing Code. In addition, on the inspection of May 1, 1972, and all subsequent inspections, the Housing Rehabilitation Officer found all buildings were open, windows were broken, and doors removed, rats and roaches were present inside the buildings, and mattresses stored in the buildings had been set afire.

10. After the Complaint and Order were served, following the October 28, 1971 inspection, a hearing was set for March 10, 1972, for the Defendant to answer the findings of the inspections. She did not appear for this hearing.

11. On August 30, 1972, water meters were removed from all of Defendant's properties, except

Monroe Street, for nonpayment of water bills.

12. On January 2, 1973, Defendant's property at 2920 Devine Street was damaged by fire. On August 1 and August 15, 1974, the property located at 1329 Calhoun Street was damaged by fire.

13. On October 4, 1974, the Housing Rehabilitation Officer inspected the Defendant's properties and found that no attempt had been made to comply with previous complaint notices. The buildings were found to be in violation of the Southern Standard Housing Code and unfit for human habitation.

14. A Complaint Notice was prepared and properly served upon the Defendant. This Notice ordered the Defendant to repair or remove the structures before December 18, 1974, and notified her that failure to comply with this Order would result in the structures being removed or demolished by the Housing Rehabilitation Officer's office. She was also notified that the amount of the cost of the removal or demolition would be a lien against the property affected.

15. On December 6, 1974, at the request of the Defendant's attorney, the Housing Rehabilitation Officer again inspected the properties of the Defendant and found that no work was in progress and none of the

repairs made conformed to the standards or requirements submitted by the Complaint Notice and Order in October, 1974.

16. On December 19, 1974, one day after all repairs or removals were to have been made, the Housing Rehabilitation Officer received a Notice of Appeal to the Urban Rehabilitation Commission (Housing Board of Appeals) on behalf of the Defendant.

17. A hearing was held before the full Urban Rehabilitation Commission on December 30, 1974, the Defendant being represented at said hearing by her attorney. After hearing the evidence, the Commission ruled unanimously that the dwellings violated the Housing Code and denied any further extension of time to the Defendant to comply with the Complaint and Order. The Commission approved action by the City to demolish the buildings and further provided that a lien for the costs of said demolition be placed against the property affected.

18. By Complaint filed December 31, 1974, Defendant brought suit in U. S. District Court against various City employees and officials seeking declaratory and unjunctive relief. Defendant contended that the adoption of the Southern Standard Housing Code by the

City did not confer authority to condemn and demolish buildings; that any such authority would not apply to buildings used as residences; and that the demolition of buildings found to be in violation of the City ordinance constitutes a taking without compensation in violation of the state and federal constitutions.

19. Defendant's suit was tried without a jury before Honorable Robert F. Chapman, U. S. District Judge, on July 28, 1980. By his Order dated August 8, 1980, Judge Chapman resolved all issues against the Defendant Timmons. A Copy of said Order is attached as Exhibit "A" and is incorporated herein by reference. Said Order, in part, made findings of fact supporting the allegations of paragraphs 3 through 17 herein, and also found that:

> 26. During the period of October 15, 1971, to December 30, 1974, the plaintiff was notified of the substandard condition of her buildings on numerous occasions and was notified that failure to repair would result in the buildings being demolished. The plaintiff had ample opportunity to effect the repairs but failed to do so.
>
> 27. The plaintiff's dwellings were unsafe, unsanitary, unfit for human habitation, fire hazards, and

generally dangerous to human life in October and December of 1974, by reason of inadequate maintenance, dilapidation, obsolenscence and abandonment.

28. The defendants properly followed the procedures set out in the Southern Standard Housing Code for requiring repair or demolition of unsafe buildings. The plaintiff failed to comply with orders to repair, remove or demolish and, absent a finding of inapplicability or unconstitutionality of the pertinent ordinances, the defendants are entitled to demolish the buildings, with the cost of said demolition as a lien against the property affected, pursuant to §103. 2 (d and e) of the Southern Standard Housing Code.

20. On August 16, 1980, the Defendant Timmons served her Notice of Appeal of Judge Chapman's Order and her Application for a Stay of Demolition pending the appeal.

21. By Order dated September 4, 1980, the Honorable Robert F. Chapman, U. S. District Judge, enjoined the demolition of the Defendant Timmons' buildings until a decision was rendered by the Fourth Circuit Court of Appeals (Exhibit "B").

2. The Fourth Circuit Court of Appeals affirmed the August 8, 1980, Order of Judge Chapman by Order dated December 24, 1981. A copy of said Order is attached as Exhibit "C" and incorporated herein by reference.

23. Based upon the decision of the Housing Rehabilitation Officer and the Urban Rehabilitation Commission in 1974, and the Orders of Judge Chapman and The Fourth Circuit Court of Appeals, the Plaintiff is entitled to demolish the buildings on the properties listed in Paragraph 3 herein, with the cost of demolition as a lien against the property affected.

24. The Plaintiff hired an independent firm to demolish some of Defendant's buildings.

25. Said firm attempted to demolish the building at 3107 Heyward Street on December 30, 1981, but Defendant prevented them from doing so by entering the building and refusing to leave.

26. On information and belief, Defendant will continue to interfere with the lawful operation of demolishing the buildings on her property unless restrained by Order of this Court.

27. Plaintiff is informed and believes that it is necessary that this Court issue its temporary Restraining Order and Rule to Show Cause, restraining the Defendant from entering the buildings set out in Paragraph 3 to prevent their demolition or from taking any actions to delay, stop, or interfere with said demolition efforts by this Plaintiff or any firm designated by it, and requiring her to show cause, if any she can, why such restraint should not be included in a permanent injunction.

28. Plaintiff is further informed and believes that it is entitled to permanent injunctive relief restraining the Defendant from interfering with efforts of the Plaintiff or its designated firm to demolish her buildings.

WHEREFORE, having fully set forth its Complaint and Petition for a Rule to show Cause and Temporary Restraining Order, Plaintiff prays that the Court issue its temporary Restraining Order and Rule to Show Cause in the particulars set forth above, grant a permanent injunction as set forth above, and grant such other and further relief as this Court deems just and proper.

/s/ Robert G. Cooper
ROBERT G. COOPER
Attorney for the Plaintiff

Columbia, South Carolina

January 4, 1982

1/6/82 *
Left at door of my Bldg. after 5p. m.

STATE OF SOUTH CAROLINA )
) IN THE COURT OF
COUNTY OF RICHLAND ) COMMON PLEAS

The City of Columbia, S. C., )
Plaintiff, )
)
v. ) SUMMONS
Annie M. Timmons, )
) 82-CP-40-0025
Defendant, )

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action of which a copy is served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber at his office, City Hall, 1737 Main Street, P. O. Box 147, Columbia, South Carolina, 29217, within twenty (20) days after service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

/s/ Robert G. Cooper
RoY D. BATES
ROBERT G. COOPER
Attorneys for Plaintiff

Columbia, South Carolina
January 4, 1982

*A duplicate set of papers except for the addition of this top sheet called Summons was left at the same back door of the Bldg under the same conditions the night of the 4th of Jan. 1982.

CITY OF COLUMBIA
South Carolina

Zoning Division
803-765-1041

City Hall
P. O. Box 147
29202

October 25, 1978

Ms. Annie M. Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Dear Ms. Timmons:

At the Zoning Board of Adjustment's special hearing held on October 24, 1978, the Board members present voted to uphold the Aoning Administrator's decision in conditioning the zoning permits issued for repairing the structures listed below so that said structures and premises are limited in their use as follows:

| Property Location | Number of Apartment Bldgs. Ori inal No. of Dwelling Units | Limited to |
|---|---|---|
| 2920 Devine St. (C-3) | 1 apartment building 30 dwelling units | No dwelling Units |
| 1329 Calhoun St. (C-4) | 1 apartment building 2 dwelling units | No dwelling units |
| 3107-3107 1/2 Heyward St. (RG-1) | 2 apartment buildings total of 15 dwelling units | Total of 8 dwelling units |
| 3104 Monroe St. (RG-1) | 1 apartment building 8 dwelling units | 4 dwelling units |
| 208 Sims & 3100 Duncan St. (RG-1) | 2 apartment buildings total of 17 units | Total of 2 dwelling units in one bldg. |

As a matter of information, any decision of the Board may be appealed by presenting to a court of record a petition, duly verified, setting forth that the decision of the Board of Adjustment is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented to the court within theirty (30) days after the filing of the decision (October 25, 1978).

If you have any questions, please feel free to contact our office.

Sincerely,

/s/ E. Terry Floyd

E. Terry Floyd

Zoning Administrator

ETF:mb

cc: City Building Official
Urban Rehabilitation
Ms. Jean Toal

(Note: This was an attempt in 1978 to cover the crimes committed for 7 preceding years made possible by Appellees' forcing the owner illegally through trickery, fraud, and collusion to become as of record an applicant under the Jurisdiction of Zoning and then by trying to effect the very last step of Demolition in the 1971 condemnation in progress for 7 yrs by distortion of a one-sentence ex post facto law of recent adoption through complete omission of that part of the law cancelling all applicability to these properties and by misrepresentation of every word of the sentence not omitted proving intent to be the controlling factor determining continued use where Govt. or some other interference beyond the control of the owner causes cessation of operation.

The Zoning Dept. with all the facts before it and despite having admitted that 7 large Bldgs with 72 apts could not possibly be repaired to offer 14 apts for use without demolition, that her rights afforded by nonconforming uses and the Grandfather clause may have been violated, and that her Bldgs were damaged during the 7 yr period under the Official's control, reared it head in 1978 and ruled that the owner can repair and rent only

(Note continued:
14 of the 72 living units legally acquired, built, and operated with complete official approval thereby necessitating demolition the last step of a 1971 condemnation act to destroy the properties and get rid of the owner whose very existence had blocked plans for her confiscated properties so long.

3104 Monroe Street
Columbia, S. C. 29205
April 19, 1981

The Honorable William K. Slate II, Clerk
United States Court of Appeals for the Fourth Circuit
U. S. Court House - 10th and Main Sts.
Richmond, Virginia 23219

Re: No. 80.-1561
Annie M. Timmons v. Robert C.
Andrews, et al

Dear Mr. Slate:

I enclose herewith an original and 3 copies of my Motion for Summary Reversal of the Court Order giving Judgment to the Defendants in the above case. I am mailing my Motion at the first possible minute since the Court allowed me an extension of time because of serious illness.

Please try to obtain a Court decision as quickly as possible in this urgent matter. *

Thank you for your attention and consideration.

Sincerely,
/s/ Annie Mary Timmons
Annie Mary Timmons

*Should decision on this matter be against me, and I pray it won't, please postpone the docketing of this Appeal. Overtaxing my strength a little ahead of medical authorization has set back my recovery considerably. Even tho I mailed $500 to the Court Reporter (this money was acquired by SOS calls for money that I hoped and believed would be paid to me in Aug., 1981) on the same day of receipt of your instructions, the cause of long-overdue justice and recovery would be better expedited by a favorable decision of this motion now. Please process the enclosed document as soon as you can.

/s/ A. M. T.

The State 1-26-83

## *Woman Was Entitled To Keep Property*

Behold! The almighty bulldozers pulverized Annie Mary Timmons' houses in Shandon at last! To quote:

"The structures were dangerous for children, lured rats and created hazards.

"Six Columbia police cars were parked near Miss Timmons' home. ... Miss Timmons greeted them with a small pistol concealed in her housecoat, but no shots were fired."

I wonder whether there was a search warrant and if the search in her house was carried out properly by a policewoman or by a multitude of policemen.

If I understand correctly, her properties were fenced, all fence gates were locked and no food was in the buildings, so they could not lure rats easily or be dangerous to children.

To demolish those buildings, people must break in first. If I understand correctly, Miss Timmons paid all her taxes and therefore is entitled to police protection. She is not a criminal, and he who enters her property should get her permission. Frankly, I don't think it is a terrible crime to protect one's property.

Many years ago, when I learned of her plight, I wrote her and asked if she wanted to sell or lease a house to me. The answer was "no." When I asked why she did not repair her houses, she bluntly told me I was naive in thinking that. She said they had tried to steal her properties for years by prohibiting her from repairing those houses — not issuing repair permits on one hand, then accusing her for not repairing them. In other words, they purposely let the houses rot and be condemned and then demolished the houses and took the properties. They took some of her properties that way in the past, she said.

I was dumbfounded and am still confounded. Will we really be glad to see an 80-year-old woman ripped off and suffer to death? I cannot help but feel very sorry for Miss Timmons.

WALTER H. YEH

P.O. Box 5436
Columbia

## *Newspaper Is Silent On Issues Of Freedom*

I know, or think I know, that you believe in the old American dream of a society of free and responsible men and women who will make up their own minds and govern their own lives and who will become by this labor as whole and complete as it is possible for human beings to be.

But what your readers see is that your paper has been largely silent on the great critical issues within the United States affecting the realization of this dream of responsible individual freedom — the issues of freedom of the mind, freedom of the press and freedom of education which are now not only urgent but dangerous — dangerous to speak about; dangerous also to be silent about.

DOUGLAS PRINGLE

1400 Huger St.
Columbia

The STATE Feb. 4, 1983

## *Once-Elegant House Now Pile Of Rubble*

There is something basically and fundamentally tragic about the demolition of Mrs. Annie Mary Timmons' property. I don't know exactly what it is, but I do know I have a lot of feeling about it — maybe because it happened in the vicinity of my own neighborhood.

I have gone past the once-elegant, big white house on Heyward Street hundreds of times, even fantasizing what fun it would be to fix it up — though it certainly showed signs of disrepair and loneliness, it didn't seem to me to be at all horrendous (as some of the houses were said to be). On my way home recently, I found the pile of rubble it was reduced to was horrendous.

While I know that, in time, all buildings will come down, I wonder what the meaning will be when it happens to me.

HELEN G. WOLFORD

109 S. Ott Road
Columbia

UNITED STATES COURT OF APPEALS
FOR THE COURTH CIRCUIT

Timmons
v.
Andrews

District Court No. c/a 74-2049
Circuit Court No. 80-1561

MOTION TO EXTEND TIME (TRANSCRIPT)

I hereby request an extension of time to 7/15/81 (date) for filing the transcript in this case.
The request is based on the rollowing reason (s):

/s/ Gary N. Smith
Signature of Court Reporter

Date:

ORDER

Upon consideration of the motion to extend time for filing transcript, IT IS ORDERED that the motion is GRANTED and the time is extended to June 15, 1981 (date).

FOR THE COURT - BY DIRECTION
/s William K. Slate, II
Clerk